

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
SEPTEMBER 15, 1971

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. on Wednesday, September 15, 1971 in the City Hall Council Chambers.

ROLL CALL Present: Councilmen - EHRHARDT, HUGHES
KIRSTEN, SCHAFFER
and KATNICH (Mayor)

Absent: Councilmen - None

Also present: Assistant City Manager Peterson,
City Attorney Mullen and Planning Director
Schroeder.

PLEDGE Mayor Katnich led the Pledge of Allegiance to the flag.

PLANNING COMMISSION

Assistant City Manager Peterson gave the following report of the City Planning Commission meeting of September 13, 1971:

PD#4 - LAND
USE CHANGE
REQUESTED

The Planning Commission recommended approval of the request of the Westmont Development Company for a change of land use for Parcel "E" of Planned Development District No. 4 (P-D(4)) by substituting ten triplex parcels for the previously-approved apartment use at 20 units per acre with the following conditions:

- a. That the triplex lots conform to the yard, height and area restrictions of the R-GA, Garden Apartment Residential District; and
- b. That the off-street parking areas for the triplexes be on the rear of the property with access provided by a 24-foot-wide private access way.

On motion of Councilman Schaffer, Kirsten second, the matter was set for public hearing on October 6, 1971.

OF INTEREST

Other actions of interest were as follows:

1. Approved the request of Mr. John Brentt (Brentt's Cycle Parts) requesting temporary relief of a Staff decision prohibiting motorcycle sales and repair at 626 West Lodi Avenue in an area zoned C-1, Neighborhood-Commercial. The Planning Commission ordered the repair and motorcycle sales portion of the business to cease at that address by December 13, 1971.

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2. Approved the Tentative Map of Town and Country Villa, an approximate 1.5 acre tract on the west side of Rutledge Drive just north of Westlake Subdivision No. 2, said tract being a portion of Planned Development District No. 1 (P-D(1)).
3. Approved the request of Mr. Albert Stirm for a Variance to reduce the required front yard from 20 feet to 12 feet to permit the erection of a dwelling on an odd-shaped parcel which is Lot 7, Ticknor Court in an area zoned R-1, Single-Family Residential.
4. Approved the request of Mr. Howard Wallace for use permit to establish a home for six non-ambulatory crib children at 829 South Garfield Street in an area zoned R-MD, Medium Density Multiple-Family Residential.
5. Supported the Stockton City Planning Commission and asked the San Joaquin County Board of Supervisors to continue the public hearing to consider M-2, Heavy Industrial zoning for two parcels at Hammer Lane and the Southern Pacific right-of-way until after the Annual Conference of the League of California Cities.
6. Recommended to the San Joaquin County Board of Zoning Adjustment the approval of the request of Mr. John Capell for a Use Permit to establish a tennis and swim club on the south side of Cochran Road from 1775 feet to 2500 feet east of Lower Sacramento Road in an area zoned I-PA, Interim-Protected Agriculture.

COMMUNICATIONS

PUC RE
PT&T REQUEST

A Notice of Hearing was received from the Public Utilities Commission concerning the request of the Pacific Telephone and Telegraph Company's request for authority to increase certain intrastate rates and charges applicable to telephone services to offset increases in wage and salary rates

LAND CONSER-
VATION
CONTRACT
OPPOSED

RES. NO. 3549

A letter was received from the San Joaquin County Counsel's Office stating a public hearing would be held before the Board of Supervisors to consider the establishment of an agricultural preserve as requested by Mr. John H. Kautz. On motion of Councilman Schaffer, Kirsten second, the Council adopted Resolution No. 3549 protesting the execution of a Land Conservation Contract which would include land within one mile of the exterior boundaries of the City of Lodi.

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CLAIM FOR
MISAPPROPRI-
ATION OF
MONIES
REJECTED

A Claim for Misappropriation of Monies filed by Attorney John Kappos on behalf of Clyde Moore in the sum of \$100,000 was received. On motion of Councilman Kirsten, Schaffer second, the claim was rejected and referred to the City's Agent of Record.

LUSD RE
HAM-TURNER
SIGNAL LIGHT

The City Clerk read a letter from Mr. James Areida, Assistant Superintendent of the Lodi Unified School District, stating the need for and questioning the priority of a traffic signal at the intersection of Ham Lane and Turner Road. Mayor Katnich stated the matter was scheduled for discussion later in the meeting.

TOKAY BOWL
ENCROACHMENT
REQUEST
DENIED

A letter was read from Attorney Gene G. Walton, 318 West Pine Street, requesting an encroachment permit be granted to Mr. Hank Healy of the Tokay Bowl which would allow encroachment upon 7 feet of public right of way to be used for parking of automobiles.

Attorney Raymond B. Lucas, 318 West Pine Street, spoke on behalf of Mr. Healy's request. He explained that Mr. Healy felt it was necessary to increase his parking facilities at the Tokay Bowl and the encroachment permit, if granted, would allow this as well as some changes in the landscaping along Cherokee Lane.

The Council discussed the request and agreed that the City's present policy with regard to parking in public rights of way should not be violated. On motion of Councilman Kirsten, Hughes second, the Council unanimously denied the request of Mr. Hank Healy for an encroachment permit to allow parking of automobiles in the public right of way.

PRESENTATIONS

DRUG ABUSE
COUNCIL REPORT

Mr. Louis Farnsworth, 105 North Crescent Avenue, representing the Lodi Area Behavior Deterioration and Drug Abuse Council reported on the past activities of that group. He reported that a reorganizing committee had recently been appointed and its goal was to develop a new format; to select a new executive committee and to formulate a plan to provide closer cooperation with San Joaquin County's program. Mr. Farnsworth stated that the Drug Abuse Council had expended approximately \$3,000 of the \$4,000 allocated by the City Council for the drug abuse program. He requested Council approval of payment of \$193.23 from the remaining \$1,000 balance for payment of the salary of a secretary which the Drug Abuse Council had employed.

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Councilman Ehrhardt moved the Council accept the report of Mr. Louis Farnsworth and that resolutions of appreciation be prepared for presentation to Mr. Louis Farnsworth and Mr. Trevor Pendray, Director of the Drug Abuse Council. The motion also included approval of payment of \$193.23 from the remaining funds previously allocated to the Drug Abuse Council; said monies to be used by Mr. Farnsworth. The motion was seconded by Councilman Schaffer. Councilman Kirsten then commended that it should be understood the City Council had made no further commitment to the Drug Abuse Council for funding. He explained that it was the Council's intent that the \$4,000 provided the Drug Abuse Council by the City would act as a bridge for the Drug Abuse Council to make contact with other agencies in an effort to obtain Federal or State funding for the program. The motion then carried by unanimous vote.

THE MENSCH REPORT

At its meeting of January 6, 1971 the City Council approved use of the Maple Square Fire House by The Mensch. The Council recently requested a report from The Mensch concerning its use of this facility. Mr. Jack Dunn, Chairman of the Board of Directors of The Mensch, reported to the Council concerning the activities of that group. Mr. Dunn explained the use being made of the facility as well as the remodeling that had been accomplished. He said the average evening attendance had been approximately 100 with a high of 110 and the lowest attendance 7. Mr. Dunn felt the attitude of the neighborhood was good and said no complaints had been received concerning noise. He read a letter received from Mr. William Daniger, owner of Daniger Furniture, 4 West Lodi Avenue, which expressed Mr. Daniger's desire for the continued use of the Fire House by The Mensch. Mr. Dunn introduced The Mensch's recently appointed Director, Mr. Luke Sylvester and the Assistant Director, Miss Charlene Holly, who were in the audience. Mayor Katnich thanked Mr. Dunn for his report and commended the group on its activities. The Council agreed The Mensch may continue to use the Maple Square Fire House on a month-to-month basis.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$79,248.78 were approved on motion of Councilman Ehrhardt, Hughes second.

COUNCIL CHAMBERS REMODELING

Mr. Arlie Preszler, architect for the remodeling of the Council Chambers, gave a progress report on that project. The Council indicated they agreed with the plans as proposed by Mr. Preszler and requested the staff to arrange for a "mock-up" of the Council Chambers for the Council's consideration prior to the next Council meeting.

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SANITARY CITY
DISPOSAL CO.
ASSIGNMENT

Assistant City Manager Peterson introduced the subject of the Sanitary City Disposal Company assignment, stating that discussion of the matter had been continued from an adjourned meeting on September 8, 1971. Mr. Peterson advised the Council that Attorney Richard Johnson, representing Mr. Rudy Vaccarezza, co-owner of the Sanitary City Disposal Company, had requested further postponement of the matter so that he might obtain some additional information.

Attorney Richard Johnson, 1149 North El Dorado Street, Stockton, was in the audience and stated that he had not been able to assemble all of the information he wished to present to the Council, and he requested the matter be continued for one week.

The Assistant City Manager advised that information received from Mr. Johnson should be reviewed by the City staff prior to discussion at the Council table and pointed out that the next regular Council meeting would not be until October 6. Councilman Kirsten then moved postponement of consideration of the Sanitary City Disposal Company assignment until the next regular meeting to be held on October 6, 1971 and requested information to be submitted to the City staff no later than ten days from this date and the staff then submit this information to the Council no later than four days prior to the October 6 meeting. The motion was seconded by Councilman Ehrhardt and carried by unanimous vote.

Mr. Jack Williams, 408 East Miner Avenue, Stockton, was in the audience and questioned the necessity of considering the sale of the Company in conjunction with the rates of the Company. Mr. Williams requested the Council to ratify the sale at this meeting. After discussion by the Council, Councilman Kirsten moved consideration not be given to the sale of the Company until after the question of the Company's rates has been determined. The motion was seconded by Councilman Schaffer and carried by the following vote:

Ayes: Councilmen - Ehrhardt, Kirsten, and
Schaffer

Noes: Councilmen - Hughes and Katnich

RECESS

The Mayor declared a five-minute recess and the Council reconvened at 9:50 p.m.

E. WISNER
REQUESTS
WATER

Mr. Peterson presented a request from Mr. and Mrs. Ed Wisner, 16051 Willow Avenue, requesting permission for temporary connection to the City's

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water system. The Wisners had executed the City's standard agreement for the service. In accordance with the City ordinance, the charge for the service outside the City limits would be one and one-half times the City's water rates. On motion of Councilman Kirsten, Schaffer second, the Council approved the request of Mr. and Mrs. Wisner for water service outside the City limits at 16051 Willow Avenue, subject to conditions set forth in the agreement.

PLANS & SPECS -
CALAVERAS ST.
IMPROVEMENTS

The Assistant City Manager presented plans and specifications for Calaveras Street curb, gutter and sidewalk improvements. On motion of Councilman Kirsten, Ehrhardt second, the Council approved the plans and specifications and authorized advertising for bids thereon.

HAM - TURNER
TRAFFIC
SIGNAL DESIGN

Mr. Peterson presented a recommendation from the Public Works Director concerning the installation of a traffic signal at the intersection of Ham Lane and Turner Road. Public Works Director Jones had recommended installation of a three-phase signal with a lane occupancy controller which would provide for left turn lanes and signals from Turner Road onto Ham Lane. He explained that because of inflation, the total estimated cost of the project was \$33,400; the budgeted amount for the project was \$15,000.

After discussion, the Council on motion of Councilman Schaffer, Ehrhardt second, unanimously approved the design of the Ham Lane-Turner Road traffic signal as recommended.

FEEA
CONTRACT

RES. NO. 3550

Assistant City Manager Peterson reported that City participation in the Federal Emergency Employment Act would require the execution of a contract between the City and the County of San Joaquin. Since the contract would not be ready until later in the month, Mr. Peterson recommended the Council authorize the City Manager to execute the necessary documents to implement this program.

Councilman Schaffer then moved the adoption of Resolution No. 3550 authorizing the City Manager to execute the necessary documents in order to implement the Federal Emergency Employment Act contract. The motion was seconded by Councilman Hughes and carried by unanimous vote.

FEEA - STATUS
OF EMPLOYEES

RES. NO. 3551

The City Council, on motion of Councilman Ehrhardt, Schaffer second, adopted Resolution No. 3551 exempting from the classified service of the City of Lodi those employees appointed under the provisions of the Federal Emergency Employment Act of 1971.

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ORDINANCES

TINDELL
PREZONING

ORD. NO. 961
ADOPTED

ORDINANCE NO. 961, entitled, "AN ORDINANCE PREZONING CERTAIN PROPERTY BOUNDED BY THE FUTURE EXTENSION OF WEST ELM STREET ON THE NORTH; THE ELMHAVEN SUBDIVISION ON THE EAST; THE ALLEN MANOR SUBDIVISION ON THE SOUTH; AND LOWER SACRAMENTO ROAD ON THE WEST, EXCEPTING THOSE TWO APPROXIMATELY ONE-ACRE PARCELS LOCATED AT 40 AND 60 NORTH LOWER SACRAMENTO ROAD," having been introduced at a regular meeting on September 1, 1971 was brought up for passage on motion of Councilman Kirsten, Ehrhardt second. Second reading was omitted after reading by title and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - Ehrhardt, Hughes, Kirsten,
Schaffer and Katnich

Noes: Councilmen - None

Absent: Councilmen - None

PD#1 - LAND
USE CHANGE

ORD. NO. 962
ADOPTED

ORDINANCE NO. 962, entitled, "AN ORDINANCE AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI BY AMENDING ORDINANCE NO. 823 CHANGING A PORTION OF THE LAND USE LOCATED WITHIN PLANNED DEVELOPMENT DISTRICT NO. 1 (P-D(1)), " having been introduced at a regular meeting on September 1, 1971 was brought up for passage on motion of Councilman Ehrhardt, Schaffer second. Second reading was omitted after reading by title and the ordinance was then passed, adopted and ordered to print by the following vote:


Ayes: Councilmen - Ehrhardt, Hughes, Kirsten,
Schaffer and Katnich

Noes: Councilmen - None

Absent: Councilmen - None

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 10:15 p.m.

Attest: 
Bessie L. Bennett
City Clerk